

May 10, 2024

File No.: 8006-029

VIA EMAIL: Justine.Lafontaine@gov.bc.ca

Ms. Justine Lafontaine
Acting Senior Manager
B.C. Farm Industry Review Board
1st Floor, 2975 Jutland Road
Victoria, B.C., V8T 5J9

Robert P. Hrabinsky
Direct Tel: (604) 800-8026
Direct Fax: (604) 800-9026
Email: rhrabinsky@ahb-law.com

Dear Ms. Lafontaine:

Re: Supervisory Review into Allegations of Bad Faith and Unlawful Activity

I write on behalf of the Commission to seek clarification on two issues addressed in the Phase II Decision dated March 15, 2024:


1. There are a number of references in the Phase II Decision about the need to restore “trust and confidence” as well as “orderly marketing”, which appears to be the rationale for the orders made by the Panel in the decision (see, e.g., paras. 78, 79, 86, 87, 89, 94 and 99). The Commission seeks clarification as to whether the BCFIRB is of the view that there is, or was, a lack of trust and confidence in the Commission, including a lack of trust and confidence in the Commission’s ability to regulate Prokam or the industry more generally.
2. At paragraph 5 of the Phase II Decision, the Panel concludes that “there is no legal authority in the statutory scheme to impose a charge against Prokam in respect of the legal costs incurred by the Commission and other participants in this Supervisory Review.” The Commission seeks clarification as to what, if any, limits there are on the Commission’s statutory authority to impose levies or charges against designated persons in order to pay the Commission’s expenses (including legal fees) as a result of the Phase II Decision.

The Commission would appreciate this clarification at the Panel's earliest convenience.

Yours truly,

AFFLECK HRABINSKY BURGOYNE LLP

Per:


ROBERT P. HRABINSKY

- cc. chunter@litigationchambers.com
- cc. randrosoff@litigationchambers.com
- cc. rhira@hirarowan.com
- cc. ahall@hirarowan.com
- cc. rmcdonell@farris.com
- cc. kmcewan@mcewanpartners.com
- cc. wstransky@mcewanpartners.com
- cc. munderhill@arvayfinlay.ca
- cc. khipps@arvayfinlay.ca
- cc. nmitha@mithalawgroup.ca
- cc. FIRB@gov.bc.ca